



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant: D. Kempf, et al.

Serial No.: 08/413,136

Filed: March 29, 1995

For: RETROVIRAL PROTEASE INHIBITING
COMPOUNDS

Case No.: 4681.US.D34

Date: July 10, 1996

Group Art Unit: 1205

Examiner: R. Travers

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the :

Assistant Commissioner for Patents
Washington, D.C. 20231, on:

Date of Deposit: July 10, 1996

Kellene R. Strandberg 7/10/96
Kellene R. Strandberg DATE

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JRP
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RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a response to the Office Action dated April 2, 1996, the period for response to which has been extended one month from July 2, 1996 to August 2, 1996. In the Office Action, the Examiner has rejected Claims 29-31 under the judicially created doctrine of double patenting. The Examiner states that the subject matter claimed in present Claims 29-31 is fully disclosed in U.S. Patent No. 5,142,056.

Applicants assert that U.S. Patent No. 5,142,056 does not disclose or suggest, either in its specification or in its claims, the subject matter claimed in present Claims 29-31.

The present claims are directed to the use for inhibiting an HIV infection of the compound (2S,3S,5S)-5-(N-(N-((N-Methyl-N-((2-isopropyl-4-thiazolyl)methyl)-amino)carbonyl)valinyl)amino)-2-(N-((5-thiazolyl)methoxycarbonyl)amino)-1,6-diphenyl-3-hydroxyhexane in combination with another HIV protease inhibitor. U.S. Patent No. 5,142,056 does not disclose or suggest the compound (2S,3S,5S)-5-(N-(N-((N-Methyl-N-((2-isopropyl-4-thiazolyl)methyl)-amino)carbonyl)valinyl)amino)-2-(N-((5-thiazolyl)methoxycarbonyl)amino)-1,6-diphenyl-3-hydroxyhexane or any use for this compound. In addition, U.S. Patent No. 5,142,056 does not claim the compound (2S,3S,5S)-5-(N-(N-((N-Methyl-N-((2-isopropyl-4-thiazolyl)methyl)-amino)carbonyl)valinyl)amino)-2-(N-((5-thiazolyl)methoxycarbonyl)amino)-1,6-diphenyl-3-hydroxyhexane or any use for this compound. Therefore, there is no basis for a double patenting rejection.

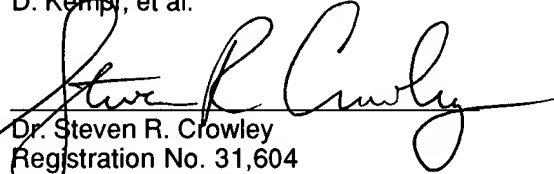
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In view of the above, the Examiner is respectfully requested to reconsider and withdraw the double patenting rejection.

Reconsideration and allowance of Claims 29-31 is respectfully requested.

Respectfully submitted,

D. Kempf, et al.

A handwritten signature in black ink, appearing to read "Steven R. Crowley", is written over a horizontal line.

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